



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,007	02/12/2002	Yasunori Kaneda	500.41184X00	5117

24956 7590 09/25/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,007

Applicant(s)

KANEDA ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler (US 2003/0126394 A1) in view of Watanabe (US 6,748,502 B2).

As per claims 7-9, Fowler discloses a system and method for remotely configuring storage space in multiple storage devices, said multiple storage devices allocated to a user for storing data from the user where said user is located at a site remote from the storage devices. Customer can expand or reduce its allocated data storage space and SSP customer must manually contact or consult the SSP and a staff member at the SSP's data center must manually take the steps necessary to increase or decrease the data storage space allocated to that user. This includes insuring that the customer's increased or reduced data storage space is accurately reflected for accounting and billing purposes (page 1, [0008]). Fowler further discloses a

Art Unit: 3627

storage device manage in communication with the remote user and the plurality of storage devices, wherein the storage device manager presents a plurality of virtual storage volumes are mapped to the allocated storage devices (page 3, [0032] and page 4, [0036]). Fowler does not explicitly disclose managing a storage device manager for service but Watanabe discloses a system for providing a data storage service comprising a service provider site configured to provide a data storage service and a user site coupled by a wide area network (WAN) to the service provider site, the user site comprising a local storage having a virtual storage (see abs.). The system allows a service provider to tune up the local storage by using statistics data and user log data that are tracked by the local storage, and the service provider then charges the user for these tuning services (col. 2, lines 35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the charging for services as taught by Watanabe into the system of Fowler because it would manage data not only by storage volume but also by directory, file, cylinder and/or block address.

Response to Arguments

4. Applicant's arguments filed on 7/18/06 have been fully considered but they are not persuasive.

Applicant argues that Fowler fails to teach or suggest "causing a storage apparatus to be specified, the specified storage apparatus being the storage apparatus in use at present, holding address information of an address of the specified storage apparatus in the storage apparatus information holding means and holding information concerning a property of each of the at

Art Unit: 3627

least two storage apparatuses connected to the at least two storage apparatuses connecting means in property holding means.” In response to Applicant’s arguments, Fowler discloses multiple storage devices for a user to store data and it is at least clear that the one being currently in use would be the specified one as claimed. Applicant further argues that Fowler fails to teach or suggest “causing a desired property to be specified from the computer for use in selecting a storage apparatus to be used next having a property that satisfies the desired property, and causing a particular storage apparatus to be selected among candidates of storage apparatuses indicated from the operating/managing system by comparing the desired property to the property of each of the at least two storage apparatus held in the holding means and selecting a storage apparatus having a property that satisfies the desired property as the storage apparatus to be used next.” In response to Applicant’s arguments, Fowler’s system is doing exactly that by allocating space of storage for property to be held in one of the plurality of storages. Claims 7-9 remain rejected.

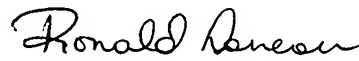
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau
Primary Examiner
Art Unit 3627

9/18/06

rl